



STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA 30334-0900

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Governor

POLICY: EMPLOYEE GRIEVANCE PROCEDURE
(UNCLASSIFIED SERVICE)

PAGE: 1 of 6
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Purpose

The Executive Branch of the State of Georgia recognizes the need for a consistent process for resolution of non-disciplinary employment concerns for employees in the unclassified service. This procedure is established to provide eligible employees with an orderly process for addressing employment conditions or decisions in a timely manner.

I. Disclaimer

This grievance procedure is provided to employees as a guideline for expressing concerns about employment. The procedure does not compromise the rights of management to direct the workforce in accomplishing the agency mission. This process is not applicable to disciplinary matters and does not alter the employment at-will relationship between the agency and its at-will employees.

II. Policy

It is the policy of the State of Georgia to maintain a standard of personnel administration which assures fair and equitable treatment of employees. In that regard, every employee eligible to file a grievance as defined in this policy may do so without fear of unlawful discrimination or reprisal.

- A. Agency Heads will ensure that all employees within their respective agencies are aware of this policy.
- B. Employees and respective supervisors/managers are encouraged to make reasonable attempts to identify the issues/contentions involved and seek to remedy any disputes prior to a written grievance being filed. The effort to resolve disputes may include (but is not limited to) the use of mediation. Such efforts must be handled in a manner that will permit the employee to meet deadlines established by this policy and procedure for the filing of a grievance.

- C. Any state officer, supervisor, management representative or employee who attempts to harass, intimidate, or retaliate against any employee, state officer, supervisor or management representative as a result of filing a grievance, providing testimony or evidence regarding a grievance may be subject to disciplinary action.
- D. The decision of the Agency Head is final.

III. Eligibility

- A. All unclassified employees except those listed in Paragraph B, below, are eligible to file a grievance.
- B. The following employees are not eligible to file a grievance:
 - 1. Employees who have been notified of suspension, demotion, disciplinary salary reduction, or separation from employment.
 - 2. Employees seeking relief through other administrative or judicial procedures.

IV. Definitions

Agency Grievance Coordinator means the person designated to be responsible for receiving grievances, determining grievability, and tracking the processing of grievances.

Agency Grievance Review Official means an individual designated to conduct grievance reviews for unclassified employees. This individual will be designated by the Agency Head or Designee and will be an impartial individual with relevant prior experience in employee disputes.

Filing means the act of an employee submitting a State grievance form to the Agency Grievance Coordinator.

Grievance means a claim by an eligible employee that the employee's personal employment has been affected by unfavorable employment decisions or conditions due to unfair treatment.

Receipt means the date and time at which a document is delivered to the addressee by mail, facsimile or personal delivery.

Workday means a Monday through Friday business day exclusive of State holidays.

V. Grievance Issues

A. Grievable issues are:

1. Allegations of unlawful discrimination because of race, color, sex, national origin, disability, age, or religious or political opinions or affiliations.
2. Allegations of sexual or other forms of harassment.
3. Retaliation for using this grievance procedure.
4. Erroneous, arbitrary or capricious interpretation or application of personnel policies and procedures.
5. Unsafe or unhealthy working conditions.

B. Grievances alleging unlawful discrimination based on race, color, sex, or sexual harassment, national origin, disability, age, religious or political opinions or affiliation, will be reviewed by the agency head/designee and will be processed in one of the following ways:

1. Allow the grievance to proceed through the grievance procedure.

Or

2. Investigate the grievance pursuant to a procedure designed specifically for unlawful discrimination complaints, in which case the procedural time limitations may be extended by 30 work days.

Or

3. Advise the grievant, in writing, that the agency has concluded processing the grievance and that the grievant may present the matter to the Georgia Commission on Equal Opportunity or the Equal Employment Opportunity Commission.

C. Non-grievable issues include but are not limited to the following:

1. Issues which are pending or have been concluded by the Georgia Commission on Equal Opportunity, or through other administrative or judicial procedures.
2. Performance responsibilities, expectations, and evaluations.
3. Temporary work assignments.
4. Budget and organizational structure, including the number or assignments of positions in any organizational unit.
5. The selection of an individual to fill a position, unless it is alleged that the selection is in violation of an agency's written policy.
6. Termination, demotion, reassignment, furlough, layoff from duties because of lack of work, or other actions resulting from a reduction in the work force or job abolition.

VI. Representation

- A. Employees may represent themselves or be represented by a third party of their own choosing, provided the third party is an employee of the agency to which the grievant is assigned, who has been properly authorized for absence from regular work duties.
- B. All state agencies will make a reasonable effort to authorize a third party representative to be absent and to provide up to four hours duty time per grievance for the purpose of assisting the grievant. Such time shall be during regular work hours, without loss of pay or leave credits. Employees will not be authorized work time to serve as a third party representative or to assist in grievance preparation for more than two grievances per calendar year. Time spent as a participant in a grievance review meeting will be considered work time.
- C. A non-employee third party representative is not permitted unless required by law or applicable rule.

VII. General Provision

At any point in the procedure, a grievance may be referred to mediation. Any party to a grievance may request that the grievance be referred to mediation. The Agency Grievance Coordinator will make the final determination regarding the appropriateness of mediation referral for the grievance.

- A. At the sole discretion of the grievant, a grievance may be voluntarily withdrawn at any point in the procedure. A withdrawn grievance shall not be refiled. To withdraw a grievance, the employee will notify the Agency Grievance Coordinator in writing.
- B. Employees needing assistance in processing a grievance may contact their Agency Grievance Coordinator.
- C. Agencies may consolidate grievances as follows:
 - 1. Multiple grievances filed by an employee may be consolidated into a single grievance.
 - 2. Separate grievances filed by two or more employees regarding the same issue(s) may be consolidated into a group grievance.
- D. A grievant will be allowed reasonable time, as determined by the Agency Grievance Coordinator to prepare a grievance. Such time shall be during regular work hours, without loss of pay or leave credits. Preparation time shall include such activities as meeting with witnesses and reviewing the grievant's personnel file. Such time is independent of any time spent in a grievance review session with the Agency Grievance Review Official. The Agency Grievance Coordinator shall have the authority to resolve any dispute regarding

the determination of reasonable and necessary time for processing a grievance.

VIII. Time Provision

- A. The grievance is considered filed when stamped received by the Agency Grievance Coordinator.
- B. The first day of any time provision in this grievance procedure will not be counted.
- C. Upon agreement of all parties to a grievance, any time limit specified in this policy may be extended, not to exceed 90 calendar days.
- D. The Agency Grievance Coordinator may extend any time limit specified in this policy due to emergency, medical disability or legally mandated absence on the part of the grievant. The grievant will be notified immediately of the reasons for and the length of the extension.
- E. In the event of an emergency situation, the Agency Grievance Coordinator may suspend the right of grievance under this procedure.
- F. A suspension of the eligibility to file a grievance may delay but will not otherwise prejudice any grievance filed before the effective date of the suspension, nor will any grievance filed within 15 workdays after the period of suspension has expired be denied or otherwise limited.

IX. Procedure

- A. The grievance must be submitted on the Standard Grievance Form to the Agency Grievance Coordinator, within 10 workdays after the occurrence upon which the grievance is founded or within 10 workdays after the employee becomes aware of the problem. The Agency Grievance Coordinator may grant a waiver or an extension of the filing deadline.
- B. The grievance must contain a statement of the issue(s) involved, how the grievant's employment has been unfavorably affected, the relief sought, and the date(s), if known, the incident(s) or violation(s) occurred. If the grievance involves the interpretation or application of policy or procedure, the grievance must identify the policy or procedure at issue and describe how it was erroneously interpreted or applied.
- C. Within 10 workdays of receipt of a grievance, the Agency Grievance Coordinator will review the grievance to determine the grievability of the issue(s) and provide written notice to the parties that:

1. The issue is non-grievable, including the specific reasons for the determination, and that the grievance process is being terminated.

Or

2. The issue alleges unlawful discrimination and will be processed according to the provisions of a separate complaint procedure for allegations of unlawful discrimination.

Or

3. The issue is grievable under this procedure.

D. Agency Internal Review Process

1. Within 15 workdays of the notice that an issue is grievable, the Agency Head/Designee will appoint an Agency Grievance Review Official.
2. Within 15 workdays of assignment, the Agency Grievance Review Official will undertake any of the following actions with regard to the grievance: conduct a grievance review of the grievance issues based upon available information presented; or conduct a grievance review by meeting with the parties to facilitate an agreement, clarify and/or interpret policies, or explore alternative resolutions.
3. Barring prior settlement of the grievance by agreement of the parties, the Grievance Review Official shall submit a written recommendation to the Agency Head within 10 workdays of conducting the grievance review.
4. The Agency Head will review the findings and recommendation(s) of the Grievance Review Official and issue a decision in writing within 10 workdays of receipt of the recommendation. The decision of the Agency Head will be final and will conclude the grievance process.